

Fall 2010



Los Angeles County Sheriff's

Reserve News

Uniform Reserve • Mounted Posse • Search & Rescue • Explorers • Civilian Volunteers



Manhunt

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Los Angeles County Sheriff's

Reserve News

Official publication of the Reserve Forces Bureau

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On the cover: Scent-sniffing bloodhound Alaska on the trail of escaped prisoners.

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The Reserve News is produced by the Los Angeles County Sheriff's Reserve Media Company

Goals:

To inform Reserves of past, current, and future events, activities and information related to Reserve participation in the Los Angeles County Sheriff's Department.

To recognize Reserves for a 'job well done.'

To inform Reserves, LASD personnel, retired Reserve Deputies, other agencies and contract cities of the dedication and services provided by the Reserves of this Department.

To provide an avenue for the recruitment of new Reserve Deputies.

Manhunt

*Reserves and CVs Assist
in Capturing Escapees*

Story and Photos by S/R Lt.
NICK SMIRNOFF



Walking in what was to become a big circle, two escaped prisoners who were set to go to court the same day led the Sheriff's Department to mount a full-scale manhunt. Winder Estuardo Barrios and Jose Antonio Aldana walked away from their prison kitchen duties at 3 a.m. the morning of April 28th. Leaving the prison grounds under the cover of darkness, the two headed in a southerly direction toward Castaic Junction and Highway 126, which was a couple of miles away from the prison.

Passing through the Valencia Travel Village where hundreds of RV travelers were sleeping, the escapees went into

The Santa Clara river (above) was searched by a Sheriff's department SWAT team with civilian volunteer and K-9 handler Ted Hamm (top).



Deputies from the North Side Facility Prison along with deputies from several nearby Sheriff Stations received additional help from the CHP who also assisted in conducting a door-to-door search of the RV camping facility.



Sergeant Bomben from the Santa Clarita Station directs his deputies during their door-to-door search.



Before moving out, a Sheriff's SWAT team member confers with Sheriff's Capt. Bondell Golden.

the adjoining Santa Clara River bed. It was at this point that the Bloodhound "Alaska" and his department trained civilian handler Ted Hamm found the escapees trail. As CHP Officers and Sheriff Deputies from the prison conducted a door to door search of the RV park, Swat officers aided by Hamm and his scent sniffing bloodhound followed a trail leading east in the river bed. Despite the escapees walking

in and out of the ankle deep water, the dog was able to track the escapees every time they exited the water. Finding no evidence of the escapees at the RV park additional personnel were called in to cordon off an area up stream of the tracking crew. Santa Clarita Reserve Coordinator Arty Thompson was able to place three two-man teams from his Reserve Company along a trestle stretching across the river. Continuing slowly up

river with the dog still reportedly "on scent" and the tracking crew now within site of the trestle and the waiting pre-positioned reserves, a call came in over the radio reporting that two Hispanic males were near the prison in the Castaic area asking passerby's "for clothing." Arriving deputies quickly found the two escapees in the storage and dumpster area of a fast food restaurant. The two men ended up less than a mile

from the prison grounds they had escaped from nearly 14 hours earlier.

In all, over 80 deputies including members from SWAT, as well as the departments Off Road Enforcement Team, a Civilian K-9 Handler, two department helicopters, several CHP units and a Reserve Team from the Santa Clarita station participated in the successful manhunt. ★



Civilian volunteer Ted Hamm waits patiently with his bloodhound Alaska.



After briefing, SWAT team deputies head for the Santa Clara riverbed on the trail of the escaped duo.



Despite the escapees attempts to cover their scent and footprints by entering the ankle-deep water, the trackers were not thrown off. Scent-sniffing bloodhound Alaska was always able to move along the embankment and would find where the duo stepped out of the water on to dry land.

Mt. Whitney Search

Search and Rescue units endure the elements in an attempt to locate a lost hiker

Story by S/R Lt.
GINES ARNAU



The assignment started as a mutual aid request from Inyo County Sheriff's, as they had a lost hiker in the Mt. Whitney area with deteriorating weather conditions approaching the area. A request for help was answered by a few of the Los Angeles County Sheriff's department Search & Rescue Units. Our search & rescue members are highly specialized with a broad range of training including cold weather mountaineering skills. These skills are

required for the very dangerous task of operating in high altitude and icy conditions on steep mountain terrain. The call came out on Thursday and an advance team responded, which included Mike Leum and Cindy Moynier, along with a few other members from the Montrose Search & Rescue team. Other teams assisting in the operation included Altadena and Sierra Madre. Upon arrival, the weather conditions were treacherous as the winds were gusting at between 80-100 mph eliminating



any helicopter insertion. The team members had no choice and had to begin their insertion on foot with their ice axes and crampons with packs weighing about 60-75 lbs. The starting point of the trail head was at an altitude of approximately 8,200 ft., with their area of assignment at 10,500 ft elevation. Right off the bat, a civilian applicant decided it was going to be too difficult and decided to stay behind. This civilian helped out with the radio relay. Jeff Martin was the unit coordinator who would manage the command post.

The team headed out Friday morning, working it's way up the mountain to the area of assignment. Needless to say the task was not easy and quite dangerous, with near whiteout conditions. By the time they were able to set up camp at 10,500 ft. elevation and enduring 80-mph winds some of the team members were suffering from altitude sickness. They spent the evening on the glacier and the terrain was quite slippery.

Saturday morning was clear with sunny skies, allowing a search area at the base of the cliffs. Nothing was

found in the unit's search area and they requested to return to the base camp. On the way back to the base camp, Cindy slipped and injured her wrist. Mike utilized her walking stick as a makeshift splint until they arrived at the base camp. Once they arrived at the base camp they requested a helicopter from the California National Guard, to evacuate the injured team member. This was now possible since the weather had cleared up and air support was now available. In addition, they had to contact the local medical facility as their staff is on call and alerted them about the patient coming in.

The victim was found deceased by one of the other teams east of the search area Montrose Search & Rescue was working. This was a courageous effort by all the rescue members involved and we truly appreciate their professionalism in these dangerous tasks. As a former team member myself, I know how difficult it is to leave your family at a moment's notice and find yourself being in placed in harm's way. ★



Explorer Scouts Field Competition and Campout

Story and Photos by S/R Lt. **NICK SMIRNOFF**

Law Enforcement Explorer Scouts from sixteen different posts, some as far away as Washington State converged on a 5,000-foot mountain top camp site in early May. The Explorers arrived for the annual Kern County California Memorial Explorer Competition which for the second year in a row was held just outside the small Kern County mountain community of Tehachapi, California. Arriving on Thursday afternoon, tent camps were set up and preparations made for the start of the events, divided into two days of competition. As in previous years, Fridays events consisted of various police enforcement scenarios such as; DUI Investigations, Bomb Threats, 459 building search and 10851 calls. An onsite pistol range gave Explorer Scouts a chance to compete in hand gun events.

Los Angeles County Explorers from the Lomita Station participated again this year: Explorer Scouts Peter Escobar, Jonathan Norris, Christina Rodriguez, Janet Albarran, Jake Simon and Michelle Olsen along with Advisor Deputy Ruben Lopez, and Volunteer Walt Schmidt. The Lomita team took 2nd place in the CSI scenario and 1st Place in a simulated "Downed Aircraft" call.

Saturday was a day of physical agility and athletic competition, with Saturday night also featuring a dance. Rounding out the three-day event Sunday morning after breakfast the campers were recognized for winning teams, with medals handed out followed by a closing ceremony and packing up for the trip home.

The site and town which hosted the





Facing page: Explorers enjoyed fair weather when they arrived Thursday, and conducted police enforcement scenarios on Friday. This page: Saturday was a day of physical agility and athletic competitions.



The mild temperatures of Friday and Saturday gave way to a chilling snowfall on Sunday morning that tested the campers' endurance.

competition is nicknamed "The land Of Four Seasons". However no one told the campers that they can experience all four seasons in one day. With mild 60 degree weather for the Thursday and Friday events, the campers enjoyed spring in the mountains. However, by reveille Saturday morning, the surrounding trees were covered in a heavy ice crystal laden frost, as temperatures had fallen drastically and a light rain had fallen during the night. No problem for these hearty Explorer Scouts. A hot breakfast of pancakes soon took away the bone-chilling cold of the previous night. That day during the athletic events, the skies were mostly clear and the mountain top was in the mid 70s. The Tug O War, Obstacle Course, and Baton Race were held in shirt sleeve weather and a sheen of sweat could be seen on many a competitors face. Looking forward to the nights

dance the Explorers dressed for cool but pleasant weather as the dance was held inside the large orientation tent. Around midnight campers retired from the dance with many placing their shoes and boots outside their tents.

By 2am Sunday morning the "Land Of Four Seasons" laughed down on the explorers with heavy wet snow flakes. As dawn came on Sunday morning the organizers realized that a warmer dryer place was needed for the upcoming awards event and closing ceremony. The local host for the event, the Tehachapi Police Department, quickly started to make 5 am phone calls and were able to get a parks department building down in the town of Tehachapi and with the help of the local school board member locate and transport 200 chairs and a few tables, all before the 9 am event was scheduled to start.

Most of the vehicles which brought the Explorers from their local cities and towns were not 4x4s and were not trapped up on the very steep muddy snow-covered mountain roads at the various camp sites. Alternate transportation was located for a ride into town. Many with wet shoes, some with soggy clothing and others (mostly the girls) able to dress in a more dignified fashion they arrived at the city parks recreation building. In spite of it all awards were given out just a little under an hour late. By noon as the sky cleared and the roads started to dry out the explorers left laughing and clutching their medals to begin packing up their wet and muddy camp site and figure out how to get their vehicles back on to a paved road. As one Imperial County Explorer was heard to comment , the land of four seasons, (shiver) too cold for me! ★

MISSION

Lead the fight to prevent crime and injustice. Enforce the law fairly and defend the rights of all. Partner with the people we serve to secure and promote safety in our communities.



Participating in Keeping Our Sea Ports Safe

California State-Wide Agencies & Department of Homeland Security Conduct Counter-Terrorism Exercise

Story by Civilian Volunteer
BARBARA GENTILE-CRARY

Photos by Sgt.
ROD KUBLY

Dubbed with a name like “Golden Guardian/Port Protector” I was half expecting to hear about Daniel Craig, a.k.a. James Bond participating in the recent joint state and federal exercise on May 19th at the Long Angeles Long Beach Port. Our port is the nation’s largest and as such is a high profile terrorist target. But it was at our September monthly meeting, where Sgt. Rod Kubly, our Reserve Coordinator reviewed a helmet video, and discussed the

event where I heard the full extent of the joint exercises that included the members of our Reserve unit.

Golden Guardian 2010 was a statewide emergency preparedness exercise combined with the federal exercise “Port Protector” that is paid for with federal homeland security grants. It tests coordination between federal, state and local response and recovery among city, county and state agencies, community-based organizations and the private sector, as well as the state’s Standardized Emergency Management System. The exercise focuses on the response and recovery to multiple terrorist attacks in

the Bay Area, Southern Region and Inland Region. Cal EMA is partnered with the U.S. Coast Guard and their Area Maritime Security Training and Exercise Program in the Bay Area Ports, Port of San Diego, and Ports of Los Angeles and Long Beach. It is a state-wide broad-ranging training exercise involving more than 3,000 emergency responders and 70 agencies tested California’s readiness for a terrorist attack.

Participating local state agencies here included: United State Coast Guard, Long Beach Police, Customs and Border Protection, Long Beach Fire, Los Angeles City Fire, LAPD,

CHP, Los Angeles Port Police, FBI, Port of Los Angeles, Port of Long Beach, and LASD and our LASD Reserve Dive Team – SEB Marine Company 218.

Port terrorism was the theme of this year’s Golden Guardian exercise in Long Beach that simulated a group of “terrorists” in a realistic “Mumbai-like” attack in downtown Long Beach, a takeover of a passenger ferry near the Port of Long Beach and an active shooter in Shoreline Aquatic Park in Long Beach. We heard primarily about the maritime assault (which our Reserve team supported) and is a primary mission that LASD SEB plans and trains for.

Technology played a key role throughout with the simultaneous streaming of “live” high-definition video feed from one of the helicopters that then went to the local Command Post as well as handheld “smart” devices for each of the tactical teams on the boats, but also to Washington D.C., for the Department of Homeland Security and our very own Gov. Arnold Schwarzenegger, who oversaw the operation.

What happened? The local Long Beach Police Department SWAT officers responded, the terrorist fled via a boat, and the “calls” were sent out to various agencies to Los Angeles Sheriff Department (LASD & Reserves), Special Enforcement Bureau (SEB), Aero Bureau, Emergency Operations Bureau (EOB), Marina Del Rey Station boat unit, and the US Coast

Guard, and a Unified Command Post was established at the LA-Long Beach Sector Headquarters in San Pedro.

As the event unfolded, we learned how each unit's assets (including our Reserve unit's boat), helicopters, boats, specialized teams and equipment was readied and positioned. Our LASD Reserve Dive Team - SEB Marine, Captain Gjertson, Lieutenant Chris Denny and Deputy Bill Angione shared with us how they were responsible for transporting various local law enforcement officers and observers to the maritime exercise and to support as needed. Sgt. Kubly further explained how one Command and Control aircraft is assigned and oversees the immediate control of the scene as it happens. While the units organized, the escaping terrorists fled on a small boat which pulled along side a large, 256' by 26' wide "terrorist" ship, known as ATLS (Advanced/Aerial Training Live-Fire Ship). (This ship is commercial owned and specifically built and staffed by a highly trained and experienced civilian crew (ex-Navy Seals) for maritime exercises. This vessel's design includes a super-structure bridge, an open middle deck, two-story shipping container steel structure and above and below deck "shoot-house" environment with plywood walls that are moveable allowing for different confirmations which are used for close quarter combat training. Additionally, lighting has been disabled.)

Unified Command planned the assault and assigned the various units based on their expertise and resources. The initial



responses involved aircraft observing, gathering intelligence and confirming the movement of boats and other units intercepting any escaping terrorists and containing terrorist vessels to various areas. Key to this team's strategy was to stick to the basic fundamentals of maritime assault - get command and control of the ship, and then overcome the terrorists. While the "terrorist" were expecting a fast moving commando type assault launched that's not what happened. The helicopter teams prepared to fast-rope on to the ship while supporting aircraft proved cover for them if it was needed. Additional first assault teams and equipment were located near by to support and readied for boarding. Suddenly, the small terrorist boat that was along side the ATLS vessel fled to the open sea and was intercepted. Intelligence was learned that the ATLS ship was going to be used as a weapon and driven into the port to possibly cause as much damage as possible to shutdown the port operations. Unified Command wasted no time and initiated the boat assault teams to take over control of the ship. The most hazardous part of the maritime

assault we learned was from this actual boarding from boat to boat in the open ocean. Each boat assault team had to negotiate boarding from various vantage points while the aircraft provided overwatch support with long rifle teams as boarding took place. Methodically and precisely, boat assault teams boarded, covertly moved to take control and cleared all possible hiding locations; they gained and secured entry to the bridge, then the engine room and aft steering and rear deck. As ATLS was now under control, Sgt. Kubly's helicopter team fast-roped from 25' onto the deck. Time was now on the Team's side to deal with using well established, proven clearing techniques starting with all the steel container structures and then below deck. SEB's technology tools and specialized equipment (advanced sensor equipment, chemical agents, fiber optics, pole cameras, listening devices, K9's, etc) were used to locate or overcome the remaining terrorists, gain control and subsequently clear the ship.

How did our teams do? Los Angeles has been pronounced to have the best response teams in the nation. Special considera-

tions and logistical challenges of all of the different people and teams, equipment and environment from what the weather and seas are that day to what specialized equipment and people resources are available to deal with explosives, IED's and WMD's. While the technology has progressed to support many of the challenges, these "practice" training exercises are vital to the safety of our ports because they test the management and coordination of the activities of so many agencies to respond and hence are vital to its success.

The one thing we can be sure of is this - terrorism isn't ever going to disappear. Even these past few weeks, the State Department issued an alert to U.S. citizens to the potential for terrorist attacks in Europe and Japan. Current information suggests that al-Qaida and affiliated organizations continue to plan terrorist attacks. In this case, European governments have taken action to guard against a terrorist attack and some have spoken publicly about the heightened threat conditions.

Terrorists may use a variety of means and weapons and target both official and private interests. We're constantly reminded of the

potential for terrorists to attack public transportation systems and other tourist infrastructure. Terrorists have targeted and attacked subway and rail systems, as well as aviation and maritime services. We need to take every precaution to be aware of our surroundings and to adopt appropriate safety measures to protect ourselves when traveling locally and abroad. We'll continue to work closely and continue

to learn to improve how our own Unit works with our local Unit on this threat from terrorism.

The Golden Guardian/Port Protector exercise is an on-going annual statewide training series conducted to coordinate prevention, preparation, response and recovery mechanisms of city, county and state governmental entities, and private sector and volunteer organizations.

"Exercises like this are so important, because we must be prepared for the real thing," Schwarzenegger said. "Here in California, if the unthinkable happens, we will be prepared."

While the our Reserve Unit principally focuses on underwater recovery operations with scuba divers, an integral and priority resource in these exercises is also that of our experienced boat operators with skill and

expertise in transporting, launching, and operating our vehicles and boats in support of these exercises. If you're highly experienced in boat handling and interested in joining us, please email Dive Team Captain David Gjertson, gjertson@ucla.edu. Meetings are held the second Monday of each month and we train the following weekend or on request. ★

Volunteers on Patrol *A Story of a Dedicated Group*

By
CATHY STAPLETON
Assistant Director, LASD/CLEPP
Volunteer Program

The Los Angeles County Sheriff's Department Civilian Volunteers are dedicated to providing excellent service, create a safe environment, and enhance the quality of life in the communities they serve within a "Tradition of Service."

The volunteer program began in the late 1980's by Sheriff Sherman Block as a means to provide additional service to the communities the department serves and to assist department staff.

The volunteer program has evolved, not only helping in the stations secretariats, but to providing service at the station's Front Counters, Search and Rescue, Posse, courier service, to being extra eyes and ears in the Volunteers On Patrol program.

The Volunteers On Patrol program began in mid 1992, to be proud representatives of the community, by being highly visible while on patrol. The primary objectives for



Denny Sande

the members are to prevent crime by mere presence, or identify public hazards. Members also act as the eyes and ears for the Sheriff's Department by identifying suspicious activities, crimes in progress, or dangerous circumstances. The members will not take action themselves, but will notify the station for handling.

The Volunteers On Patrol members accept their mission to serve the community with the enduring belief that in so doing, they will maintain the high level of safety, quality of life, and the beauty of the community, that everyone is entitled.

As outlined in the Sheriff's Volunteers On



Truman Van Dyke

Patrol mission statement in the first paragraph above, and our departments Mission and Core Values statement, as well as the Department's Policy, the goal of the Los Angeles County Sheriff's Department is to serve the residents in the most professional, effective, courteous, and progressive manner possible.

An example of the professionalism and the willingness to serve their community occurred on Monday June 14, 2010 when Volunteers Denny Sande and Truman Van Dyke assigned to the Santa Clarita Valley Station working 60V2 came across security guards at the local Costco, located at Via Princess and Vista Del Canon.

The security guards indicated that their partners were in foot pursuit of a Forgery/Theft suspect through the parking lot and crossing into the neighborhood across the street. It was then that Denny Sande began driving toward the location indicated by the security guards and Truman Van Dyke put out 10-33 traffic on the radio.

The volunteers were able to drive up to the area of the security guards location and observed the guards using force to detain the suspect. All the while, Truman is putting out additional information on the patch to the units rolling Code 3 to the assist. The event culminated with the units arrival, the suspects arrest and another one put in jail.

The training that the two volunteers received proved invaluable and they also showed that they are dedicated to providing excellent service, create a safe environment, and enhance the quality of life in the communities they serve.

Denny Sande and Truman Van Dyke, a Job Well Done. ★

'Serious Fun'

LASD Reserve Dive Team – SEB Marine Company 218

By Civilian Volunteer
BARBARA GENTILE-CRARY

Photos by
ROBERT KEET

Dr. David Gjertson, UCLA Professor of Pathology and Laboratory Medicine by weekday and Dive Team Captain and scuba recovery specialist on weekends. David like many Reservists feeds his passions at home, at work and in service to his community. Captain Gjertson, who is our new Captain, is anything but new; he has been with the team since the mid 80's. David's fellow UCLA cohort and past Captain, Glenn Toth, Bruin Senior Associate Athletic Director, who served for the last four years, will continue to stay on the "team as a diver and good soldier."

The SEB Marine Company's diving is a serious endeavor whether it's part of our monthly training dive day or an actual mission to assist the Sheriff's Department Emergency Services Detail (ESD). Our team's focus is to be ready and on call 24 hours a day, 365 days a year if there is an aircraft or motor vehicle and any victims to be recovered or crime evidence to be found in an underwater environment be it a lake, dam, river, aqueduct, reservoir, ocean or mine. Recreational diving usually means ideal conditions like clean, clear water, fish, and fun. Our diving, on the other hand, is more like military or commercial diving and requires exceptional diving skills, advanced training and additional equipment at times with low to no visibility




conditions, heavy currents, bio-hazardous conditions and tight spaces. It can be a dangerous activity, so the team relies heavily on established safety protocols, and individuals with a breadth and depth of scuba training and experience. Amongst the 15 active members of the Company who range in age from mid 30's to 70's, you will find better than instructor-level scuba divers with extensive experience in low visibility, search and recovery, navigation, and deep diving. Our members come from different paths including former ESD Deputies, Reserve Deputies, and Civilian Volunteers which is further enhanced by their backgrounds in diver physi-

ology, biology, military operations, photography, boat and marine specialists, and salvage and rigging technicians. It is this interesting mix of know-how and personalities that comes together and makes what is very

serious business into performing as cohesive, fun and safe team.

According to Toth, who continues to revere us with his knack for serious humor, he tells us that, "This change in leadership, however, in no way effects our protocol in two critical areas - you must still be able to tie those eight knots, and you must still carry with you on each duty day and call-out the six essentials: multi-tool, knife, small flashlight, adjustable wrench, pen/pencil, and waterproof notepad. I am asking that the new captain designate me as the monitor for compliance, and grant me authority to assign push-ups when disobedience is observed." And knowing Toth as well as the team members do, we all know that he isn't entirely kidding around. Thank you to Captain Toth!

LA County Diving Control Board Chairman, Deputy Tracy River, adds "we are always on the outlook for "divers and good soldiers". ★



Volunteer for the Reserve Dive Team

If you're a highly experienced, fit diver or boat operator experienced with dive operations, contact us through David Gjertson, gjertson@ucla.edu.

COMMUNITY

Sheriff Lee Baca Recognizes Five Reserve Deputies

On Wednesday, February 10th, 2010, Sheriff Baca presented several of our S/R's with one of the department's highest awards. The Exemplary Service Award is presented to employees who merit Department recognition for work effort that exhibits an unparalleled degree of individual initiative resulting in notable achievement in specific areas. The Exemplary Service Award was presented to S/R Scott Cameron, S/R Captain Allen Chromiak, S/R Captain John A. Klein, S/R Sgt. Morris J. Litwack, and S/R Captain Jack McRae.

This assignment began in early 2007 when ATF contacted the Los Angeles County Sheriff's Department about the lack of properly tracking crime guns. Reserve Chief Mike Leum contacted Reserve Captain Allen Chromiak. Chief Leum asked if Captain Chromiak could put together a team and meet with ATF Agent Roberts to discuss the appropriate course of action to identify and correct any inaccurate information concerning crime guns.

Deputy Dave Jacobson was assigned to work with the Reserves and act as a liaison between LASD and the ATF. In early October, 2007, Deputy Dave Jacobson, ATF Agent Roberts, Sheriff Reserve Captain Allen Chromiak, Sheriff Reserve Deputy Scott Cameron, Sheriff Reserve Captain John Klein, and



Sheriff Reserve Captain Jack McRae met at Reserve Forces Bureau to discuss goals, how to obtain them, and what would be required for completion and success. The ATF/LASD Crime Gun Data Task Force was formed.

The first step was that the taskforce members underwent training and competency testing on the use of the JDIC system and gun entry database. In order to ensure the integrity of the data being entered, the taskforce members also underwent training on firearms classification and identification by make, model, importer and type.

The reserve members of the taskforce helped develop a training program to ensure that crime gun data entry at the station level would begin and would be entered accurately. The taskforce designed a new department "SHCR 417" form to match the ATF crime gun data fields so that station personnel could easily enter all of the gun data at the station level, see Field Operations Directive dated September

23, 2007. If you are in the field and you take a gun off the street, you will fill out Form SCHR 417 which was implemented by these reserves so that our system would match JDIC.

The liaison Deputy Dave Jacobson was re-assigned early in 2008, and his replacement was Deputy Scott Kalsey and ATF Agent Susan Raichel. Under the new leadership, the taskforce completed entry of the backlog data in December of 2008, and the final results of 3,200 hours of volunteered time were tallied with cost savings to the county of hundreds of thousands of dollars.

The taskforce members reviewed nearly 10,000 incident reports composed of some 50,000 pages of data, and the entry of nearly 3,000 crime guns into the JDIC database.

The reserves created an email data base so stations could supply all information via computers. This eliminated the need to travel to each station and made the sharing of data paperless.

The dedication, perseverance and self-motivation of the reserve members of the taskforce reflect the best qualities of reserve deputies working to complete a major task for the department.

The following is what Sheriff Lee Baca said in the recognition of these outstanding S/R's:

"Personnel assigned to the Crime Gun Data Task Force were recognized for their invaluable assistance in entering in excess of 3,000 crime guns into the Bureau of Alcohol, Tobacco, Firearms, and Explosives' eTrace computer database. By identifying and correcting a flaw in the Justice Data Interface Controller (JDIC) system, data entry and accuracy was greatly improved. They identified and corrected over 200 inaccurate weapon entries. To facilitate the entry of backlogged data, the task force centralized the system and performed the analysis of reports electronically. More than 10,000 crime reports, consisting of over 50,000 pages of documentation, were reviewed. Over 3,200 man-hours were donated toward the completion of the project. In addition, a new Department form, Crime Gun Supplemental Information, SH-Cr-417, was developed to standardize entries".

It was with great pride that Sheriff Baca presented team members with the Departments Exemplary Service award. ★

Sheriff's High Adventure for Responsible Kids

Story and Photos by S/R
KIM SKOKOS

The SHARK (High Adventure for Responsible Kids) program is a one of a kind program sponsored by Industry Sheriff Station's Youth Activities League. The program provides a free scuba introductory to the wonders of the underwater world for youths from the community. The program begins with three training sessions in the Bassett High School pool, which includes a basic swim test and scuba safety lessons and finishes with a trip to Catalina Island's Casino Point dive-park.

This summer the program had 3 groups that included 15 to 20 kids per group. The kids were picked from the local community, which included La Puente, Baldwin Park, El Monte and Temple City areas. The class and pool sessions teach the kids many skills such as how to put on scuba equipment, equalize air pressure under water, keep their mask from fogging under water and most importantly, how to breathing underwater. The goal was to get them to be familiar with all of their equipment and to be comfortable in the water.

When the young divers got to Catalina Island, they were met by Deputy Lyons, the Avalon Sheriff's Station Deputy who was instrumental in assisting them with equipment from the boat and getting to the dive, park

about half a mile away. Lyons, a diver himself, looks forward to the kids coming to the island. He made contact with "Scuba Luv", a local business, which generously donated the use of the air tanks and another local business supplied air refills for the program. Several instructors from Sport Chalet donated their time to help out with this program. They made sure that the kids had a safe, educational and fun experience.

Each instructor was responsible for a pod of no more than 4 kids. The SHARKS were assisted by certified Deputy Sheriffs, who also assisted the instructors. They never took the SHARK kids any deeper than 35 feet, which was more than deep enough for these kids to see many amazing things. Most of the kids have never done or seen anything like this before. They swam through underwater forests of kelp and saw Black Sea Basses, halibuts, bright orange Garibaldi and some even got to see an octopus and a few lobsters. They all were very excited.

At the end of the summer the program offers a couple of the participants a chance to earn a free scuba scholarship. The scholarship is based on a professional letter that they must write for the program, explaining why they



The program includes training sessions in the Bassett High School pool.

should get the scholarship. The scuba scholarship is a basic open water dive course sponsored by the dive instructor team that were involved in the program. All activities were provided free to the kids through donations from the City of Industry, the YAL board and other community sources. Scuba equipment was also donated for the use by the program. Coordinators Deputy Adamson, Deputy Cook and Deputy Bickel's (dive instructor) hard work made it possible for the success of this summer's program. ★



This summer the program had 3 groups that had 15 to 20 per group, all picked from the local community.



Chris Denny, a volunteer with the Sheriff's ESD in East Los Angeles works with his pod of participants.

SR Deputy Chester Chong, Law Enforcement Cultural Exchange Veteran



Chester Wong with law enforcement representatives from Australia and France.



By Reserve News
Managing Editor
SAM SNYDER Ph.D.

I interviewed Chester Chong for an article for the LASD Reserve News. He indicated that being a reserve has been and continues to be more than just a chance to volunteer his time, but it has been a chance to serve his community in a unique way.

He further said that work-

ing for an airline corporation showed him a whole world outside of his narrow focus growing up in China. He was able to learn about people from many cultures and “despite our many outward differences, deep inside we are all the same.”

As a reserve, he has been able to take this philosophy to a whole new level, by apply it to his duties as a reserve deputy. He has been working with the

Department to form the first cultural exchange program dedicated to bringing cultural awareness to Department members as well as promoting the Department worldwide. This synergy has been the driving force that has transcended not only his volunteerism with the department but also in his personal life.

Chester said that he feels the Reserve program takes the Sheriff’s Department

philosophy and uses it to find solutions to problems, to create comradery within the ranks and to show pride that you are part of a tremendous organization.

Finally, he related that he has great pride to serve his community wearing the tan and green uniform of the Los Angeles County Deputy Sheriff not only within the County, but worldwide in cultural exchanges. ★

Los Angeles County Sheriff Department Volunteers Pinning Ceremony

By
CATHY STAPLETON
Assistant Director, LASD/CLEPP
Volunteer Program

On April 24, 1010, the Community/Law Enforcement Partnership Programs Unit held its 2nd Annual Volunteer Recognition Seminar and 1,000 - hour pinning ceremony at STARS

Center in Whittier.

This year, 168 hourly service awards were presented to volunteers by Sheriff Baca for reaching significant milestones of 1,000 through 40,000 hours of independent service for our Department. Also, 17 Volunteer of the Year Nominees were recognized and Volunteer Bruce Dixon from Norwalk Station

received the Helen Reardon Volunteer of the Year Award.

Keynote Speakers included Karen Baker, California State Cabinet Secretary of Service and Volunteers; and Carole Hatcher, President, Los Angeles County Sheriff’s Department Volunteer Association.

Secretary Baker’s address confirmed that the LASD Volunteer Program is the

State of California model for commitment and performance. Not only is it the largest law enforcement volunteer program in operation; but it also benefits from the highest level of department support and training.

Carole Hatcher, President, LASD Volunteer Association presented Secretary Baker with a sample set of LASD Volunteer

identification tags - military style dog tags, including personalized emergency contact and medical information as an example of safety equipment now being worn by volunteers. Secretary Baker predicted that this equipment would be utilized in a state-wide endorsement of an innovative safety campaign launched by the Los Angeles County Sheriff's Department Volunteer Association.

In 2009, Civilian Volunteers, whose monetary value of time is \$23.47 per hour, saved the Los Angeles County Sheriff's Department a total of \$11,026,957, by working 469,832 hours.

Sheriff Baca recounted the original concept and vision of

adding volunteers to enhance the quality of life in our communities as Öeyes and earsÖ of the department. From that initial vision to the current number of almost 4,300, civilian volunteers participate in the department's 'tradition of service'.

The Volunteer Program is administered by the Community/Law Enforcement Partnership Programs Unit (CLEPP) - under the direction of Director, Natalie Salazar and Assistant Director, Cathy Stapleton; and includes Deputies Wilson Lee, Doug DeCearse, and John Rose, plus professional staff Estela Nava, Silvia Sahagun and Vicki Hermosillo. ★

- Approximately 44 LASD units utilize volunteers whose duties include: Station Front Counter; Aero Bureau; Volunteer on Patrol; Search & Rescue; Custody/Courts; Crime Lab; Mobile Range Qualification; Crime Scene Metal Detector Group; SEB/Medical/Divers/K9; Museum (Sheriff's Relief); Employee Support Services; Detective Bureau; Chaplains & Station Clergy; Photography and Media; Civilian Volunteer Posse; Search Dog Handlers; Sheriff's Posse; Transit Services (Metrolink/Buses); EOB/Disaster Communications and Open Source Intelligence

For further information regarding the Volunteer Program, please call the CLEPP Unit at (323) 526-5015. ★

Opportunities for Reserve Officers

By LASD Reserve Deputy
Dr. YAEL HELLMAN

Reserve officers in the Los Angeles County Sheriff's Department can take advantage of some fantastic opportunities for professional and personal learning. These opportunities are offered through the Los Angeles County Sheriff's Department University (LASDU) Consortium of colleges and universities and the Deputy Leadership Institute Continuum.

Los Angeles County Sheriff's Department University (LASDU)

Sheriff Leroy Baca set up the Los Angeles County Sheriff's Department University (LASDU) to help employees and reserve officers earn AA, AS, Bachelors, Masters, or Doctoral degrees. Teamed with an impressive collection of local colleges and universities, LASDU encourages all Department personnel to start or return to college in order to pro-

mote personal and professional growth as well as service to the community.

LASDU offers Department employees and reserve officers with widely varied programs ranging from leadership, criminal justice, business, public administration, homeland security or law to computer science, health sciences, education, psychology, nursing and culinary arts.

LASDU is designed to give working adults the highest quality—and most convenient—educational experiences. Including the University of Southern California, Chapman University, National University, Tiffin University, Union Institute and University, Woodbury University, TUI, Marist, California State University at Long Beach, Dominguez Hills, Northridge and San Bernardino as well as East Los Angeles Community College, and College of the Canyons, as well as a wealth of on-line

courses, the consortium of participating colleges and universities gives us many great venues for learning.

Equally important, LASDU negotiates with the consortium for affordable tuition rates.

The Deputy Leadership Institute (DLI)

As Sheriff Baca explains, "...The Deputy Leadership Institute (DLI) is a groundbreaking leadership development program ...founded on the principle that leadership is intrinsic in the professional law enforcement officer.... The DLI is designed to enhance our [personal and professional] ability to be leaders in the communities we are entrusted to protect." (Sheriff's Bulletin #446)

Building a cohort of Department employees and reserve officers from all over the County, the DLI Continuum provides 3 consecutive learning days per month, for 6 months, and awards undergraduate col-

lege units. Participants in the hands-on program explore leadership theory and experience its practical application through creative group work and lively discussion of personal and professional experiences. ★

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DEPARTMENTS

Recent Court Decisions

Summarized by S/R Deputy
HORST FÜNSTÜCK

United States v. O'Brien and Burgess (08-1569)

United States Supreme Court
Decided: May 24, 2010

A Massachusetts federal court convicted defendants O'Brien and Burgess after they attempted to rob an armored car. One of the weapons used was an AK-47 assault rifle. The district court ruled that the semi-automatic nature of the weapon was an element of the crime for the jury to decide and dismissed the government's argument that it should be a sentencing enhancement. The First Circuit Court of Appeals affirmed.

The Supreme Court affirmed, holding that the use of a machine gun is an element of the crime that the court must present to the jury and proved beyond a reasonable doubt, and is not a factor for sentencing enhancement decided by the judge. The previous version of the machine gun provisions was an element in 18 U.S.C. §924, and without clear direction from Congress to change that policy, there is nothing in the 1998 amendment to change the machine gun provision from an element to a sentencing enhancement.

United States v. Struckman

No. 08-30463
Ninth Circuit Court of Appeals
Circuit Judge Berzon for the Court;
Circuit Judges Farris and Nelson
Decided: May 4, 2010



CRIMINAL PROCEDURE: Where the police have no probable cause of criminal trespass and the suspect is compliant with the police, there are no exigent circumstances to authorize a warrantless search and seizure of the suspect's home.

A woman reported a man trespassing of a neighbor's property during a 911 call. The man in question, Mr. Struckman, turned out to be a resident of that property. Police entered his house without a warrant, and searched Struckman's person and his bag, finding magazine clips and a firearm. Struckman was convicted of being a felon in possession of a firearm. Struckman contends that his Fourth Amendment due process rights were violated, as the arresting officers conducted an unreasonable search and seizure. The Ninth Circuit first found that there was not sufficient probable cause for a warrantless arrest, because under the totality of the circumstances, there was no reason

to believe that Struckman had either entered or attempted to enter the home to commit burglary, or had committed trespass. The Ninth Circuit reasoned that the officers did not sufficiently question Struckman, and that the officers could not solely rely on the claim of a citizen witness. Next, the Ninth Circuit found that there were no exigent circumstances that justified the officers' warrantless actions. The Ninth Circuit held that Struckman was compliant with the officer's request, and his conduct did not suggest hot pursuit, escape, or the prevention of harm to the officers or another person. The Ninth Circuit found that even if it did, the crime of criminal trespass on its own did not constitute an exigency that overrides the warrant requirement.

United States v. Franklin

No. 09-30041
Circuit Judge Clifton for the Court; Circuit Judge Alarcón;

Circuit Judge Kleinfeld
Decided: April 29, 2010

CRIMINAL PROCEDURE: A motel room is subject to a warrantless search based on reasonable suspicion where a probationer is legally entitled to use and control the room, and the terms of a plea agreement control where the terms are unambiguous and clear.

Franklin, a probationer in Washington State, appealed his conviction of being a felon in possession of a firearm under 18 U.S.C. § 922(g) after admitting the firearm belonged to him and pleading guilty to a similar state charge. Franklin's first issue on appeal was whether the district court erred in denying his motion to suppress the firearm after a probationer search by his probation officer of his motel room. The Ninth Circuit affirmed the district court's finding that the search was reasonable because the motel clerk identified Franklin as a guest of the motel and person who paid

for the room through a photograph, the probation officer recognized Franklin's voice in the room prior to the search, and the informant who gave the information to the probation officer had previously given accurate information on Franklin. The Ninth Circuit held that the circumstances surrounding the search led to a reasonable basis to believe Franklin resided in the motel room. Franklin's second issue on appeal was whether the district court erred in denying his motion to dismiss based on the terms of the state plea agreement. The Ninth Circuit held that where the terms of the plea agreement are unambiguous and clear, the terms of the plea agreement control according to the rules of contract law. Franklin's plea agreement specifically stated: "[n]o person has made promises of any kind to cause me to enter this plea except as set forth in this statement." Because the plea agreement made no mention of a promise not to bring federal charges, the Ninth Circuit affirmed the district court's finding that the plea agreement was unambiguous and clear.

AFFIRMED.

Moises Galindo, Petitioner, v. The Superior Court of Los Angeles County, Respondent; City of Los Angeles Police Department et al., Real Parties in Interest.

California State Supreme Court

Charged by felony complaint with threatening and resisting an arresting officer in the performance of his duties (Pen. Code, §§ 422, 69), petitioner Moises Galindo brought a Pitchess motion for disclosure of prior citizen complaints made against the arresting officer and four other officers involved in the incident.

Pitchess motions are so named after this court's 1974 decision in *Pitchess v. Superior*

Court, supra, 11 Cal.3d 531, which afforded criminal defendants a judicially created right to discovery of prior citizen complaints alleging misconduct by California peace officers. In 1978, the Legislature codified the right and set forth which officer records are subject to Pitchess discovery.

Petitioner's Pitchess motion sought disclosure by the Los Angeles Police Department of the names and contact information of "all persons" who had witnessed or complained of prior incidents involving excessive force, violence, false arrest, fabrication or dishonesty, and any departmental discipline imposed on Officer Flores, Smith, or any of the other three officers.

When petitioner here moved for Pitchess discovery, no preliminary hearing had yet been held to determine whether there was probable cause to conclude that he had committed the charged offenses. The magistrate denied the motion by an order that did not preclude petitioner from renewing the motion after the preliminary hearing. The magistrate gave two reasons for the denial: Pitchess discovery was as a matter of course not available for use at the preliminary hearing; and petitioner had not shown that Pitchess discovery would yield "something that would change the outcome" of the hearing. Petitioner unsuccessfully sought a writ of mandate first in the superior court, then in the Court of Appeal. We granted petitioner's petition for review.

When this case returns to the trial court, petitioner may, however, renew his Pitchess motion for the purpose of obtaining evidence relevant to issues at trial.

Before the preliminary hearing, then scheduled for June 2. Defense counsel expressly stated she would ask for a continuance if Pitchess discovery revealed potential witnesses,

thus making delay fairly certain rather than merely speculative. But also significant to the magistrate's decision is that evidence other than any potentially impeaching Pitchess material was available to petitioner to rebut the prosecution's case. Judging from the police report, petitioner's arrest was witnessed by several people who were friends and family of petitioner; if the officers were lying, some of those witnesses could likely contradict the police version of events, diminishing the importance of the potential Pitchess evidence. "The trial court has discretion to exclude impeachment evidence . . . if it is . . . cumulative." Finally, the magistrate's denial was without prejudice to petitioner's renewing the motion before trial, ensuring that if the officers' personnel files contained pertinent information, petitioner would not be forever denied access to that evidence. Following a charge by felony complaint with threatening and resisting an arresting officer, the court rules that a magistrate's denial of defendant's Pitchess motion was not erroneous as, although a defendant may file a Pitchess motion before a preliminary hearing, the pendency of that motion will not necessarily or invariably constitute good cause for postponing the preliminary hearing over the prosecution's objection.

Wilkinson v. Torres

No. 09-35098

Ninth Circuit Court of Appeals
Circuit Judge Tashima for the court; Circuit Judge Tallman and District Judge Marshall
Decided: July 1, 2010

CONSTITUTIONAL LAW: In a U.S.C. Sec. 1986 claim, qualified immunity is appropriately applied to an officer using deadly force to stop the driver of a fleeing vehicle when the officer reasonably believed the fleeing vehicle harmed another officer.

Key and Torres, both police officers, became involved in the pursuit of a stolen vehicle driven by Wilkinson. The pursuit ended when Wilkinson crashed into a pole. The two officers got out of their cars and approached the vehicle, and, as Wilkinson tried to continue to flee in the vehicle, was shot and killed by Torres believing that Key had been run-over by Wilkinson. In this U.S.C. Sec. 1986 claim, the District Court denied Torres' motion for summary judgment based on qualified immunity and Torres appealed. The plaintiffs claimed that Wilkinson's Fourth Amendment rights, as well as their due process right to familial association under the Fourteenth Amendment, were violated by Torres' use of deadly force. The Ninth Circuit determined that Torres' use of deadly force was reasonable in light of the circumstances at the time he acted. In evaluating the Fourteenth Amendment claim, the Ninth Circuit applied the purpose-to-harm standard and found that Torres' actions did not violate the Fourteenth Amendment due process rights of the plaintiffs.

Berghuis v. Thompkins

(08-1470)

United States Supreme Court
Kennedy, J. for the 5-4 Court, Sotomayor, J. dissenting.
Decided: July 1, 2010

MIRANDA RIGHTS (Miranda Rights must be evoked unequivocally and any voluntary answers provided to police interrogation may waive that right).

Thompkins was convicted of murder, assault, and firearm charges based on a one-word confession during a police interrogation. Before the interrogation, Thompkins was read his Miranda rights. After being read his Miranda Rights, Thompkins remained silent to police ques-

tioning, but responded “yes” when asked whether he prayed to God to forgive him for the shooting. After this statement was used to convict Thompkins, the Sixth Circuit found that there had been a Miranda violation.

The Supreme Court reversed and remanded, holding that Thompkins’ silence during the majority of the interrogation was not enough to invoke his right to remain silent. The Court reasoned that a suspect needed to unambiguously indicate that he was invoking that right in order to avoid complicating police procedures. Furthermore, the Court found that Thompkins had waived his right to silence by voluntarily responding to the questions under normal interrogation circumstances.

On June 28th, 2010, the United States Supreme Court issued opinions in the case summarized below.

SECOND AMENDMENT (The Fourteenth Amendment incorporates the Second Amendment right to keep and bear arms for self-defense).

Two years ago, the Supreme Court struck down a District of Columbia ordinance banning handguns, holding that the Second Amendment protected the right to bear arms for self-protection. Following that decision, Chicago citizens challenged similar effective bans on handguns in Chicago. The citizens argued that the right to bear arms is protected by the Privileges and Immunities Clause of the 14th Amendment, and that the Slaughter-House Cases’ alternate interpretation of that clause should be reversed. Secondly, the citizens argued that the Due Process Clause of the 14th Amendment incorporates the 2nd Amendment as to the States. The Seventh Circuit rejected these arguments, finding that precedent had upheld similar gun bans, and Supreme

Court has refrained from stating whether the Second Amendment applies to the states.

The Supreme Court reversed and remanded, holding that the 14th Amendment incorporates rights that are “fundamental to the Nation’s scheme of ordered liberty,” and that self-defense is such a right. The Court explained that history and precedent show that the central idea of the 2nd Amendment is to allow for self-defense. The Court rejected the argument that the 14th Amendment is an antidiscrimination rule, finding that the 14th Amendment incorporates the 2nd Amendment to the states. The Court declined to reverse the Slaughter-House Cases. [Summarized by: Ilsa Lundgren]

From June 9, 2010 – June 15, 2010, the Ninth Circuit Court of Appeals issued the opinion summarized below.

CRIMINAL PROCEDURE: Under the extended border search doctrine, reasonable suspicion that a search will turn up evidence of criminal activity is sufficient to justify a stop after an individual has physically crossed the border. Villasenor was stopped for violating the California Code prohibiting driving a vehicle with objects obstructing the driver’s view due to a rosary hanging from the rear view mirror. A smuggler had previously described Villasenor’s vehicle and the contents to the police. During the stop, the officer called a narcotics detecting dog that discovered 37.36 pounds of cocaine. The Ninth Circuit discussed the issue of whether a search conducted after a border crossing qualified as a reasonable search under the extended border search doctrine. The district court granted Villasenor’s motion to suppress, ruling that the facts did not fit within the extended border

search doctrine. The government argued, on appeal, that the Court has recognized similar extended border searches as reasonable. The Ninth Circuit agreed with the government, reasoning that the officer had reasonable suspicion that a search of Villasenor’s car would turn up evidence of criminal activity under the totality of the circumstances. The officer’s reasonable suspicion was based on the reliability of the smuggler’s tip combined with the strange behavior of Villasenor after crossing the border. Under the extended border search doctrine, these facts were sufficient in order for the officer to search Villasenor’s vehicle. REVERSED

United States v. Burkett

No. 09-30260
Ninth Circuit Court of Appeals
Circuit Judge Hall for the Court;
Circuit Judges Wardlaw and Gould
Decided: July 20, 2010

CRIMINAL PROCEDURE: Reasonable suspicion for a stop and frisk is supported under the totality of the circumstances even if defendant has seemingly “innocent” explanations, when the officer’s observations provide an objectively reasonable basis for the stop and frisk.

Burkett appealed from a judgment of conviction for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). Burkett argued the District Court erred by denying his motion to suppress the automatic pistol found in his coat pocket during a pat-down search after the automobile in which he was a passenger was stopped for speeding. It was not contested that the officer had reasonable suspicion to make the stop. Burkett argued the officer did not have reasonable suspicion that he was armed and dangerous. The Ninth Circuit affirmed,

holding the “stop and frisk” in this case was supported under the totality of the circumstances since the highly experienced state trooper had good reason to suspect Burkett was armed and dangerous due to his erratic behavior, evasive and deceptive responses, and peculiar movement in the vehicle and when exiting. The Court reasoned that whether or not Burkett’s “innocent” explanations for his actions were true, the officer’s observations provided an objectively reasonable basis for suspecting Burkett had a weapon. AFFIRMED.

United States. v. Maddox

No. 09-30284
Ninth Circuit Court of Appeals
Circuit Judge Hawkins for the Court;
Circuit Judges Lucero and Smith.
Decided: August 12, 2010

CRIMINAL PROCEDURE: An officer’s Seizure of a defendant’s key chain holding a vile of contraband within the defendant’s vehicle is unlawful – without other lawful warrant exceptions – after the defendant is removed from the vehicle and placed in the officers patrol car as the key chain is no longer within reach of the defendant. Officer Bonney witnessed defendant, Maddox, driving recklessly, and subsequently pulled him over. After discovering that Maddox had a suspended license, Bonney placed him in the back of his patrol car. When Bonney returned to the vehicle to remove Maddox’s keys, he discovered a metal vial on the key ring filled with what he believed to be methamphetamine. Bonney then entered the vehicle and discovered a handgun inside of a computer case, and more of the substance that was in the vial. The District Court determined that Bonney had no probable cause, exigent circumstance, basis incident to Maddox’s arrest, or basis for

impoundment of the vehicle that would justify the search of the vehicle. Thus, the District Court granted Maddox's motion to suppress the seized contraband. The Ninth Circuit upheld suppression of the key chain as it was within Maddox's immediate control while he was arrested, but the subsequent event of placing Maddox in the back of the control car rendered the search unreasonable. The Ninth Circuit upheld suppression of the laptop bag and additional substances since the officer's impoundment of Maddox's vehicle violated Washington Law given Bonney did not impound the vehicle as part of the police's community caretaking functions as the vehicle was not abandoned, impeding traffic, or threatening public safety, and

because Bonney did not sufficiently consider alternatives before impounding the vehicle. **AFFIRMED.**

Millender v. County of Los Angeles
No. 07-55518

Ninth Circuit Court of Appeals
Circuit Judge Ikuta for the Court; Circuit Judges Kozinski, Rymer, Silverman, Graber, Fisher, Tallman, Rawlinson, Bybee, Callahan and Smith
Decided: August 24, 2010

CONSTITUTIONAL LAW: An officer is not entitled to qualified immunity when a warrant is so facially invalid that no reasonable officer would have relied on it.

Augusta Millender brought suit against the County of Los Angeles alleging violation of her

civil rights. On November 4, 2003, Shelly Kelly reported Jerry Bowen for assault with a deadly weapon, describing the weapon he used to shoot at her and supplying several photos to the Los Angeles police. Two deputies applied for and were granted an arrest warrant to search and seize the weapon and arrest Mr. Bowen. On November 6th, the SWAT team searched Mr. Bowen's house, whose occupants included the Millenders. While the officers failed to find Bowen or the weapon, they found and took Augusta Millender's personal shotgun and ammunition. The district court held that the warrants' authorization to search for and seize all firearms was unconstitutionally overbroad, and that the deputies did not

have qualified immunity because their actions were not objectively reasonable. The deputies appealed. The Ninth Circuit held that the warrant was so facially invalid that no reasonable officer could have relied on it. Thus, the deputies were not entitled to qualified immunity and the Millenders may proceed with their claim.

The information was selected or copied from several sources. Some of the cases may not be final, and petitions for re-hearing or hearing before the Supreme Court may order a case to be revised or republished at a later date, rendering it invalid to be cited as law.

In Memoriam

DEPUTY **Abe Cherry**

Recently it was my honor, but sad duty, to represent the Department and Reserve Program at funeral services for retired Deputy Abe Cherry. Abe was known and respected throughout the Department for his work as both a reserve Motor Officer and Academy Drill Instructor. Abe set high standards and demonstrated his leadership by example. At the services I thanked Abe's family for their support through all the years and expressed the appreciation of the many men and women who worked with him. I noted that among the deputies and officers attending the services, many were Abe's former academy cadets. Some of those men have now returned to be instructors themselves. Thus, Abe's legacy lives on.

—Jerry Goddard



In Memoriam *Continued*



RESERVE CHIEF OF STAFF (RET.) **Tommy Thompson**

Hardly a month goes by that Reserve Forces Bureau doesn't hear about the passing of a member of our corps. When that happens we make every effort to notify the troops to send flowers and condolences, and if possible to attend the services in uniform.

This past week I was reminded of how important are those small honors to the family members dealing with their loss. On March 4th, Capt. Joe Wong and I drove to the Riverside National Veterans Cemetery to attend services for retired reserve chief of staff Tommy Thompson (93 yrs).

Tommy was a WWII Navy veteran. Served in UDT as a frogman. Returned from the war to become a Long Beach police officer for 12 years. Went into private business, and joined the LASD reserve program. He had the distinction of at one time being Sherman Block's radio car partner and was instrumental in establishing Aero Bureau.

At the services the family brought numerous plaques and pictures show-

ing Tommy in uniform at different times in his life. There he was in uniform sitting in the pilot's seat of the first "Bubble top" department chopper with the notation "Congratulations on getting your license." There are other photos with friends in the posse riding horses, sitting on a police motorcycle, just having fun. Yet, the plaque with struck me as most impressive was Tommy's badge case. There in a place of honor were the stars from deputy to chief showing a lifetime of service.

The Riverside National Cemetery is something we can all take pride in. It is a beautiful, well-cared for location that quietly pays honor to the men and women resting there. The Navy and American Legion provided the Honor Guard. The folding of the flag, the three-shot volley, the final hand salute – all were well done. I had the opportunity to say a few words of thanks for Tommy's honorable service. Both as a Navy veteran and a Sheriff's Reserve Tommy served his country and commu-

nity in the best tradition.

After the ceremony several family members came over to thank Joe and I for being at the service, and for coming in uniform. They told us how much the department meant to Tommy, and the important role it played in their lives when growing up.

Among the many friends attending was retired Captain Harold White and his wife. Captain White was head of Reserve Forces Bureau in the 1970s and close friends with Tommy. Capt. White told one great story about Tommy being the first Aero Bureau Reserve pilot – and also the first bureau pilot to crash a helicopter. It seems that while landing the bird at Lakewood Station, Tommy put the blades through someone's camper shell in the parking lot. Oh well – County property.

So, it was a day well-spent by saying "Goodbye" to old friends.

– Jerry Goddard

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